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The Clean Water Acts (CWA) policies arose out of a water pollution crisis throughout the Nation and that had reached epic proportions by the early 1970s. The U.S. Congress responded with the CWA in 1972, a complex and revolutionary example of pro environment legislation. The CWA main goal was to restore and maintain the chemical, physical, and biological integrity of the Nations waters.

Democratic and Republican administrations and their appointees to EPA encompassed an expansive definition of what waters are to be protected by the CWA as jurisdictional waters of the United States. The CWA "speaks in terms of the discharge of pollutants to 'navigable waters,'" and "it immediately defines "navigable waters" expansively as 'waters of the United States. Since 2001, however, two Supreme Court decisions — Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) and Rapanos v. United States — have thrown this longstanding approach into chaos. In SWANCC and Rapanos, however, the Supreme Court put many wetlands, headwaters, and intermittent streams arguably outside of the CWA's scope by stressing the word "navigable." Rapanos, in particular, was highly fractured decision, and great regulatory uncertainty has ensued. The result is that, even as climate change is complicating the ways in which the nation's waters interconnect, the Court's rulings take us backward in a time when proactive and comprehensive efforts to protect wetlands and intermittent streams and rivers from the consequences of climate change are sorely needed.

SWANCC and Rapanos arose in the context of wetlands regulation — § 404 of the Clean Water Act. Congress amended CWA to restore and protect the chemical, biological, and physical integrity of all of the nation's waters, not just navigable waters; and make

findings that provide the basis for Congress's assertion of constitutional authority over the nation's waters, as defined in the Act, including so-called "isolated" waters, headwater streams, intermittent waters, small rivers, ponds, lakes and wetlands.

The CWA made it illegal for any point source to discharge any pollutant into the waters of the United States unless specifically authorized by permit. This approach reflects the principle that no person, governments, or company has the right to pollute waters merely because the waters are capable of assimilating the waste.

The §404 of CWA context has been used close and veto resource development projects in multiple states, of existing approved resource projects. The EPA for the first time is using §404 of CWA to determine closure of a proposed mine project before permitting.

Of the Bristol Bay Watershed assessment the EPA is assuming and determining even without filing of permits under NEPA and CWA there will be waste disposal into the rivers, lakes, and streams and thus harm aquatic life, drinking water, and the environment.

Environmental groups are desperately lobbying the U.S. EPA to simply ignore the scientific criticism that there will be "structural failures" "catastrophic events" at the Pebble Project. As we understand there is not enough scientific information to determine such an order for closure of the project. The scientific research have yet to be completed by the developers to complete actual permit application for the mine, the EPA have been dependent on hypothetical designs.

The Native Leaders of Iliamna Village understand Public health and environmental laws passed by Congress will not allow new permitted mines to dispose waste, nor harm the rivers, lakes, and streams.

Iliamna Village Council and Iliamna Natives Limited have been working with the Pebble Partnership Project of its exploration project. The Tribal Leadership has been supportive of the exploration project to date. Nowhere in the language have two organizations of Iliamna submitted claim for support of a mine until Pebble Partnership moves forward through the rigorous permitting process under federal laws.

Iliamna organizations support Pebble project work toward the goal of submitting their project description for permitting. The permitting process will take multiple years to complete provided plans, designs of the Pebble Project will meet the tough

environmental regulations of the federal and state governments. Pebble Project has been including our organizations to understand the Environmental Baseline Document the Pebble Partnership published. The Pebble Partnership company made sure our organization leadership understand the importance of the independent scientific efforts of the planning and design options to prepare for permit applications.

Iliamna Native Limited and Iliamna Village Council want a just process for the permitting process of the Pebble Project. We are asking for fairness, not fearmongering of the Pebble Partnership Project to move toward its permitting phase.

EPA is rapidly moving forward preempting the Pebble Partnership Project without understanding the technical engineering designs of a project. Our two organizations are confident the Pebble Partnership project will not design a project that will cause catastrophic damage to the Bristol Bay Watershed.

Over the course of five years our organizations leaders visited modern open pit mines in Montana, and Nevada to understand the impacts of the projects to the surrounding communities. Many of these open pit mines have been permitted through the rigorous process of NEPA, Clean Water Act, and Clean Air Act.

We live directly at the impact site. We have the most to win and the most to lose in the event the permitting process does not move forward.

Iliamna organizations and of our leadership understand the federal government will not permit new resource development projects that do not adequately protect the fishery, the environment, and other natural resources of its lands.

In the event EPA forces closure through an executive order of the Bristol Bay Watershed, surface and subsurface Alaska Native Claims Settlement Act organizations will be the most impacted. ANCSA surface and subsurface lands are on the value chain of the Bristol Bay Watershed study.

We are disappointed in the preliminary draft assessment did not identify the value chain of ANCSA surface and subsurface lands. EPA closures will eliminate millions of acres of surface and subsurface lands exploration projects. Forced Closure will have profound devaluation of subsurface and surface lands of the affected area thus affecting future value of ANCSA stock.

ANCSA was founded through Congress with the intent of Native Corporations to own, direct its subsurface and surface land policies to benefit its shareholders. It is the subsurface resource incomes that have benefited all ANCSA subsurface and 225 surface village corporations. To date, as we understand resource development projects have positively impacted income sharing under ANCSA §7i and 7j of over \$1 billion dollars to all ANCSA subsurface and surface companies.

Income from ANCSA §7i has been a godsend to all shareholders across the state. 225 ANCSA surface village corporations receive income from subsurface resource development projects. ANCSA companies have offered dividends to shareholders because of ANCSA §7i. Shareholders have used these dividends to purchase goods and services for their families. These goods and services include purchase of bulk fuels by ANCSA companies in the villages. Bulk Fuel Facilities throughout the state of Alaska are owned by ANCSA corporations in their communities. Fuels are for used for heating homes and for subsistence hunting and fishing.

Millions of acres of ANCSA surface and subsurface lands hold the keys to sustainable economic development of the area. Bristol Bay Region has one of the highest unemployment and poverty rates in Alaska. Basic infrastructure does not exist between the communities. Closure of Bristol Bay Watershed will stop the progress of ANCSA companies resolving the economic difficulties of the region.

ANCSA subsurface owners are responsible for resource development projects as authorized by federal and state laws. ANCSA subsurface owner in the region may not have fully evaluated ANCSA lands of the Bristol Bay Watershed. As we understand from the ANCSA subsurface owner in the Bristol Bay watershed does not support the Pebble project because of shareholder political pressures. We do not believe the ANCSA subsurface owner have yet to complete a full assessment of oil, gas, mineral potentials on ANCSA lands in the Bristol Bay region.

In the interest of ANCSA subsurface we are concerned of the ANCSA §7i agreement between the ANCSA regional corporations of placing huge amounts of ANCSA lands for closure to development thus affecting future value. Is the EPA ready to pay for future value of such surface and subsurface properties for closure? We do not think so. Future ANCSA revenues and relative economic impacts are particularly pertinent to discussions regarding proposed large mine developments as these are industries dependent on maintenance of clean water and productive fisheries habitat, two resources that are most often adversely impacted by mining activities. In considering

the value of mine developments, it is important to weigh the potential risks to other economic activities of ANCSA companies. Definitely the future value of ANCSA surface and subsurface lands should be included in the Bristol Bay Watershed Study.

We support costs and benefits of resource development of ANCSA lands and we are bound to protect such assets from any due harm that may diminish their present and future value.

We support permitting mineral exploration projects that ensure to be environmentally sound and supported by majority of Alaskans in the Bristol Bay Watershed Study. ANCSSA subsurface and surface companies have an obligation to manage resources for maximum benefit of all ANCSA shareholders.

We cannot support a closure of ANCSA lands, thus harming the purpose of ANCSA to resolve social and economic needs of the Natives living in the villages. "ANCSA has enabled Natives to participate in the subsequent expansion of Alaska's economy, encouraged to address serious health and welfare problems in Native villages, and sparked a resurgence of interest in the cultural heritage of the Native peoples of Alaska." Thanks to ANCSA subsurface resource development many social programs have been established for Native heritage and cultural preservation, death benefits, special Elder dividends, college scholarships, internships benefits, and jobs.

ANCSA was enacted for "the continued success of the settlement and to guarantee Natives continued participation in decisions affecting their rights and property." Closure of Bristol Bay Watershed will damage the rights of all Alaska Natives to determine resource development projects. The U.S. Government authorized ANCSA yet it is the same government that heeds the progress of ANCSA land management programs. There are numerous federal challenges that have stopped subsurface development on Native lands, such as oil exploration in the North Slope. This new chapter of the Bristol Bay Watershed Study will devalue such Native lands.

Forced Closure will stop expansion of tourism projects in our communities. We want to link our communities to support tourism between our communities.

We are formally asking the federal government to consider modifying the Bristol Bay Watershed Assessment to include value of ANCSA surface and subsurface lands. Also there should be Judicial and congressional review to examine fair market values of ANCSA lands of the Bristol Bay Watershed Assessment. We believe there is a creation for a monetary liability by the federal government as a result of Bristol Bay Watershed Assessment.

Lastly we want a government -to -government consultation before any decision is made of the Bristol Bay Watershed Study recommendations. Iliamna is directly impacted by the Bristol Bay Watershed Study we have become a minority in the decision process that will have profound impact to our lives as Native Peoples. We deserve direct participation. Jurisdiction and procedure shall include the minority under federal law, and in this Bristol Bay Watershed Study our voice, has not been heard. Only the majority, those that do not live in the community are having their voices heard.

Sincerely,

Lorene Anelon, President

Lorene Anelon, President of Iliamna Village Council and Iliamna Natives Limited